

# EXHIBIT A



## Joseph Margolies

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**From:** Viola Trebicka  
**Sent:** Thursday, February 23, 2023 10:59 AM  
**To:** QE Brown  
**Subject:** FW: Brown v. Google: Supplemental Sanctions Hearing  
  
**Importance:** High  
  
**Categories:** Brown

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**From:** SVK CRD <SVKCRD@cand.uscourts.gov>  
**Sent:** Thursday, February 23, 2023 8:58 AM  
**To:** Viola Trebicka <violatrebicka@quinnemanuel.com>; James Lee <jwlee@BSFLLP.com>  
**Cc:** Mark C. Mao <mmao@BSFLLP.com>; Beko Richardson <brichardson@BSFLLP.com>; Amanda Bonn <abonn@SusmanGodfrey.com>; Alex Frawley <AFrawley@susmangodfrey.com>; M. Logan Wright <MWright@BSFLLP.com>; John Yanchunis x2191 <JYanchunis@ForThePeople.com>; Ryan McGee x3030 <rmcgee@forthepeople.com>; 'googleteam@lists.susmangodfrey.com' <GOOGLETEAM@lists.susmangodfrey.com>  
**Subject:** RE: Brown v. Google: Supplemental Sanctions Hearing  
**Importance:** High

[EXTERNAL EMAIL from [svkcrd@cand.uscourts.gov](mailto:svkcrd@cand.uscourts.gov)]

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Good morning all,  
Judge van Keulen will issue an order; the parties are not to file anything further on this issue.  
Thank you,  
Justine

### Justine Fanthorpe

CRD to Magistrate Judge Susan van Keulen  
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San Jose, CA 95113  
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Northern District of California  
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**From:** Viola Trebicka <[violatrebicka@quinnemanuel.com](mailto:violatrebicka@quinnemanuel.com)>  
**Sent:** Wednesday, February 22, 2023 9:18 PM  
**To:** James Lee <[jwlee@BSFLLP.com](mailto:jwlee@BSFLLP.com)>; SVK CRD <[SVKCRD@cand.uscourts.gov](mailto:SVKCRD@cand.uscourts.gov)>  
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**Subject:** RE: Brown v. Google: Supplemental Sanctions Hearing

**CAUTION - EXTERNAL:**

Your Honor,

We recognize the Court's prior admonishment not to email Chambers for substantive relief. Plaintiffs' email seeking such substantive relief compels us to respond to their belated and prejudicial request, and we will file a response on the docket if it becomes necessary.

The Court has not ordered fact witnesses to appear at this hearing, and there is no need for any. Indeed, Google is prepared to proceed without a hearing at all. The completed briefing elucidates that there is no meaningful factual dispute, and that there is no basis for sanctions beyond what the Court already addressed in its May 20 Order. Plaintiffs' belated request to examine Mr. Golueke—who has provided *no* declaration for this round of sanctions briefing and who was already examined in court at the last sanctions hearing—confirms that Plaintiffs plan to use the hearing to rehash old disputes the Court has already laid to rest in its May 20 Order.

If the Court decides to go forward with the hearing, Plaintiffs' request to examine fact witnesses should be rejected as belated and burdensome. Mr. Sramek resides in Germany, and German law would require that he travel outside of Germany to attend (even to appear remotely). As noted above, Mr. Golueke has already been examined in court, and he has provided no new declaration since. On this record, there is no need to subject Mr. Sramek to urgent international travel or Mr. Golueke to repeat examination on material he has already testified to in court.

Google is available for a conference with the Court if Your Honor deems it necessary.

Respectfully,  
Viola Trebicka

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**From:** James Lee <[jwlee@BSFLLP.com](mailto:jwlee@BSFLLP.com)>

**Sent:** Wednesday, February 22, 2023 5:07 PM

**To:** [svkcrd@cand.uscourts.gov](mailto:svkcrd@cand.uscourts.gov)

**Cc:** Mark C. Mao <[mmao@BSFLLP.com](mailto:mmao@BSFLLP.com)>; Beko Richardson <[brichardson@BSFLLP.com](mailto:brichardson@BSFLLP.com)>; Amanda Bonn <[abonn@SusmanGodfrey.com](mailto:abonn@SusmanGodfrey.com)>; Alex Frawley <[AFrawley@susmangodfrey.com](mailto:AFrawley@susmangodfrey.com)>; M. Logan Wright <[MWright@BSFLLP.com](mailto:MWright@BSFLLP.com)>; John Yanchunis x2191 <[JYanchunis@ForThePeople.com](mailto:JYanchunis@ForThePeople.com)>; Ryan McGee x3030 <[rmcgee@forthepeople.com](mailto:rmcgee@forthepeople.com)>; 'googleteam@lists.susmangodfrey.com' <[GOOGLETEAM@lists.susmangodfrey.com](mailto:GOOGLETEAM@lists.susmangodfrey.com)>; Viola Trebicka <[violatrebicka@quinnemanuel.com](mailto:violatrebicka@quinnemanuel.com)>

**Subject:** Brown v. Google: Supplemental Sanctions Hearing

[EXTERNAL EMAIL from [jwlee@bsfllp.com](mailto:jwlee@bsfllp.com)]

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Your Honor,

My name is James Lee, counsel for Plaintiffs in *Brown, et al. v. Google* (20-cv-3664). I write regarding the upcoming Supplemental Sanctions hearing scheduled for March 2, 2023.

This Monday (February 20<sup>th</sup>) Plaintiffs asked Google to confirm that they would present Mr. Sramek and Mr. Golueke for examination at the upcoming evidentiary hearing. This afternoon, Google informed Plaintiffs it will not make either of these witnesses available.



Plaintiffs are entitled to examine these witnesses at the hearing given that they have relevant information and Google has submitted declarations from both of them. Since the hearing is fast approaching, we wanted to bring this to Your Honor's immediate attention, and we anticipate filing a motion with the Court tomorrow if necessary (February 23<sup>rd</sup>). Plaintiffs are also available if Your Honor would like to hold a status conference. I have copied Google's counsel on this email. Thank you for your attention to this matter.

Warm Regards,

**James Lee**

Partner

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